## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS TYLER DIVISION

DARRELL J HARPER,	§
	§
77. 4100	§
Plaintiff,	§
	§ CIVIL ACTION NO. 6:15-CV-00481
V.	§
	§
STATE OF TEXAS DEPARTMENT OF	§
CRIMINAL JUSTICE, GREG W	§
ABBOTT,	§
	§
Defendants.	§
	§

## ORDER ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

The Plaintiff Darrell Harper, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. § 1983 complaining of civil rights violations and retaliation. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judge. As Defendants, Harper names State of Texas Department of Criminal Justice and Greg Abbott.

Harper claimed that he was given a major disciplinary action for threatening to take legally entitled actions such as filing a grievance or lawsuit. He claims that this is a violation of the Civil Rights Act of 1964, as amended.

After review of the pleadings, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed as barred by sanctions previously imposed upon Harper by the Fifth Circuit Court of Appeals. Harper filed objections to this Report because he states that Defendants are "in

violation of the Racketeer Influenced and Corrupt Organizations Act, along with the violation of

the Civil Rights Act of 1964 because Sanction No. 07-20603 imposed on June 19, 2008 against

Plaintiff for filing employment discrimination complaints is an absolute nullity as amended." Doc.

No. 7. Harper's objections are patently without merit.

The Court conducted a careful de novo review of those portions of the Magistrate Judge's

proposed findings and recommendations to which the Plaintiff objected. See 28 U.S.C. § 636(b)(1)

(District Judge shall "make a de novo determination of those portions of the report or specified

proposed findings or recommendations to which objection is made.") Upon such de novo review,

the Court has determined that the Report of the Magistrate Judge is correct and the Plaintiff's

objections are without the merit. It is accordingly

**ORDERED** that the Plaintiff's objections are overruled and the Report of the Magistrate

Judge (Doc. No. 5) is **ADOPTED** as the opinion of the District Court.

So ORDERED and SIGNED this 17 day of July, 2017.

Ron Clark, United States District Judge

Rm Clark